

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHANNON BRIAN SANDERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL CASE NO. 05-40008

CRIMINAL CASE NO. 90-50024-05

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is Petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 and the Report and Recommendation of the Honorable Virginia M. Morgan, United States Magistrate Judge. The Magistrate Judge recommends that this Court deny Petitioner's motion. The Magistrate Judge filed the Report and Recommendation on September 20, 2005 and notified all the parties that any objections must be filed within ten days of service. Neither party has filed objections to the report and recommendation.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and

recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the report and recommendation [docket entry 1224] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Petitioner's motion to vacate [docket entry 1210] is **DENIED**.

SO ORDERED.

Dated: October 27, 2005

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on October 27, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Mark C. Jones, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Shannon Brian Sanders.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
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